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4 JOSE A. RODRIGUEZ,  
5 Plaintiff,  
6 v.  
7 DEPUTY SHERIFF OHERA,  
8 Defendant.

9 Case No. 14-cv-05646-HSG (PR)  
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**ORDER DIRECTING CLERK TO  
REISSUE SUMMONS**

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13 Plaintiff, an inmate at the Solano County Jail, filed the instant pro se civil rights action  
14 pursuant to 42 U.S.C. § 1983, alleging deprivations of his constitutional rights by the actions of  
15 defendant Deputy Sheriff Ohera at the West County Detention Facility in Richmond, California,  
16 where he was formerly incarcerated. On January 30, 2015, the Court directed the Clerk to prepare  
17 the summons for service of the complaint upon defendant Ohera and the United States Marshal to  
18 effectuate such service. On February 6, 2015, the Marshal returned the summons unexecuted.

19 The Court notes that the order of service and summons misspelled defendant's name as  
20 "Ottera" rather than "Ohera." The failure to serve this defendant was at no fault of plaintiff.  
21 Accordingly, the Court will reissue summons.

22 **CONCLUSION**

23 1. The Clerk of the Court shall reissue summons and the United States Marshal shall  
24 serve, without prepayment of fees, a copy of the complaint in this matter, all attachments thereto, a  
25 copy of the Court Order filed January 30, 2015 (Docket No. 10), and a copy of this Order upon  
26 defendant **Deputy Sheriff Ohera at the West County Detention Facility in Richmond,**  
27 **California.** The Clerk shall also mail a courtesy copy of this order to the Contra Costa County  
28 Counsel's Office.

1           2. Defendant shall file a motion for summary judgment or other dispositive motion  
2 with respect to the claims in the complaint found to be cognizable, and briefing shall proceed  
3 thereafter, in accordance with the schedule and instructions set forth in the Court's Order of  
4 Service, filed January 30, 2015.

5           3. The Clerk is directed to correct the spelling of defendant's name on the docket to  
6 substitute the name "Ohera" for "Oterra."

## **IT IS SO ORDERED.**

8 | Dated: 2/19/2015

  
HAYWOOD S. GILLIAM, JR.  
United States District Judge

United States District Court  
Northern District of California